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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark Edward Huntley

Filed: June 7, 2006

Serial No. 10/582029

Examiner: H. Lilling

Group No. 1657

Attorney Docket No.: PCT-2006-1

For: Continuous-Batch Hybrid Process for Production of Oil and Other Useful Products from Photosynthetic Microbes

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS

Dear Sir:

In response to the restriction requirement set forth in the office action mailed July 31, 2008, applicant provisionally elects the invention of Group I (claims 1-13), without traverse.

The office action initially listed claims 1-15 in Group I, but applicant's attorney believes the examiner's intent was to list claims 1-13 in Group I, because claims 14-15 were later listed as being in Group II.

In response to the election of species requirement, applicant provisionally elects species (a) ("for cultivating photosynthetic microbes or synthesizing feedstock"), without traverse.

Applicant further identifies claim 3 as encompassing the elected species, claims 1, 9, 10, 12 and 13 having been indicated as generic.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Martin E. Hala

32,471

Date:

9/21/08

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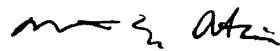
The office action referred to Inventions I, II or III, but applicant's attorney believes the examiner's intent was to refer to Groups I, II or III of the above restriction requirement. Also, applicant notes that the sentence indicating that claims 1, 9, 10, 12 and 13 are generic appears to be incomplete, but this is not material as applicant is electing Group I (Invention I).

An International Search Report by the European Patent Office has been issued in the original international patent application PCT/US2006/022443. The Notice of Acceptance of Application Under 35 USC 371 and 37 CFR 1.495 mailed on February 15, 2008, indicates that the International Search Report was received, but does NOT indicate that the references cited therein were received. Applicant wishes to ensure consideration by the examiner of the references cited in the International Search Report. Accordingly, pursuant to MPEP 707.05 and 1893.03(g), applicant is submitting an Information Disclosure Statement concurrently herewith, together with the \$180.00 fee required by 37 CFR 1.97 (c)(2), disclosing the references listed in the International Search Report, including the Stichting patent application, and the references (or US counterpart) listed in the International Search Report for the Stichting patent application. Applicant recognizes that the fee may not be necessary because the restriction and election of species requirements may not constitute a "first office action on

the merits", but is paying the fee in case the restriction and election of species requirements do indeed constitute a "first office action on the merits."

In view of the above, it is submitted that this application is now in condition for allowance and an early action to that effect is earnestly solicited.

Respectfully submitted,



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